

UNITED STATES,) NO. CR-09-0148 JSW
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Plaintiff,)
)
)
v.) **STIPULATION AND ~~PROPOSED~~—**
) **ORDER CONTINUING COURT DATE**
) **AND EXCLUDING TIME FROM**
) **JANUARY 7, 2010 TO FEBRUARY 4, 2010**
) **FROM THE SPEEDY TRIAL ACT**
) **CALCULATION**
) **[18 U.S.C. § 3161(h)(7)(A) and (B)(iv)]**
)

On January 7, 2010, the parties in this case appeared before the Court for a status conference. At that time, the Court set a further status hearing for January 21, 2010 and appointed new counsel. The government, represented by Assistant United Attorney, Anna Tryon Pletcher, and defendant Sophia Roses, through counsel, Juliana Drous, hereby stipulate as follows:

1. The status hearing now scheduled on January 21, 2010 be continued to February 4, 2010. This request is made to allow the parties additional time to resolve this matter. Counsel for the defendant was appointed on January 7, 2010. The case is more complicated than counsel initially contemplated. Additional information is needed in order to assure effective assistance of counsel.

2. At the hearing on January 7, 2010, the parties agreed to exclude the period of time between January 7, 2010 and January 21, 2010 from any time limits applicable under 18 U.S.C. §

3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent with this agreement.

3. The parties further agree that time should continue to be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) from January 21, 2010, to February 4, 2010. The parties agree that the ends of justice served by granting such an exclusion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The exclusion would allow reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO STIPULATED:

DATED: January 14, 2010

/s/

JULIANA DROUS
Attorney for SOPHIA ROSES

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: January 14, 2010

/s/

ANNA TRYON PLETCHER
Assistant United States Attorney

~~PROPOSED~~ ORDER

The status hearing now scheduled on January 21, 2010 will be continued to February 4, 2010.

For the reasons stated above and at the January 7, 2010 hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from January 7, 2010 to February 4, 2010 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested exclusion of time would deny counsel for the

1 defendant and for the Government the reasonable time necessary for effective preparation, taking
2 into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C.
3 §3161(h)(7)(B)(iv).

4 The Court FURTHER ORDERS that the parties shall address whether the time between 1/4/2010
and 1/7/2010 also should be excluded. *See* Docket Entry #14.

5 IT IS SO ORDERED.

6 Any request to exclude that time shall be filed with the Court by no later than January 28, 2010.

7 DATED January 14 , 2010


HON. JEFFREY S. WHITE
United States District Judge

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28 STIPULATION AND ~~PROPOSED~~ ORDER - CONTINUANCE OF COURT DATE